

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Proposing rule making related to emergency dental services and providing an opportunity for public comment

The Human Services Department hereby proposes to amend Chapter 78, “Amount, Duration and Scope of Medical and Remedial Services,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 249A.4.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 249A.4.

Purpose and Summary

The Department is proposing this rule making for the dental program to clarify that payment will be made for emergency services as defined in the federal regulations set forth in 42 CFR 438.114 as amended to April 7, 2022. This proposed rule making also sets an annual benefit maximum for members 21 years of age or older of \$1,000 per state fiscal year for coverage of dental services as set forth in rule 441—78.4(249A). Preventive, diagnostic, emergency, anesthesia, removable dentures, and related services do not count toward the annual benefit amount.

Fiscal Impact

This rule making aligns rules with waiver and State Plan Amendment policies. Based on analysis by the Iowa Medicaid actuary and incorporated within current capitation rates, it is anticipated this rule making will result in a cost savings to the State. This change is already in effect, and savings have been incorporated into the Medicaid budget.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 441—1.8(17A,217).

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on May 24, 2022. Comments should be directed to:

Nancy Freudenberg
Department of Human Services
Hoover State Office Building, Fifth Floor
1305 East Walnut Street
Des Moines, Iowa 50319-0114
Email: appeals@dhs.state.ia.us

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Adopt the following **new** subrules 78.4(11) and 78.4(12):

78.4(11) Emergency services. Payment shall be made for emergency services, as defined in and pursuant to the requirements set forth in 42 CFR 438.114, as amended to April 7, 2022.

78.4(12) Annual benefit maximum.

a. Members 21 years of age or older have an annual benefit maximum of \$1,000 per state fiscal year for coverage of dental services set forth in this rule. Payment for services exceeding the \$1,000 annual benefit maximum is the responsibility of the member.

b. The following services do not count toward the annual benefit maximum:

- (1) Preventive services as set forth in subrule 78.4(1);
- (2) Diagnostic services as set forth in subrule 78.4(2);
- (3) Fabrication of removable dentures and related services as set forth in paragraphs 78.4(7) “a” to “c” and 78.4(7) “f” to “l”;
- (4) Anesthesia as set forth in paragraph 78.4(9) “f,” when provided in conjunction with oral surgery codes approved for payment; or
- (5) Emergency services as set forth in subrule 78.4(11).

ITEM 2. Adopt the following **new** implementation sentence in **441—Chapter 78:**

These rules are intended to implement Iowa Code chapter 249A.